



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,179	11/03/2003	Peter G. Janssen	JPG-31770-A	3580

22202 7590 08/09/2004

WHYTE HIRSCHBOECK DUDEK S C
555 EAST WELLS STREET
SUITE 1900
MILWAUKEE, WI 53202

EXAMINER

BAXTER, GWENDOLYN WRENN

ART UNIT	PAPER NUMBER
----------	--------------

3632

DATE MAILED: 08/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/700,179

Applicant(s)

JANSSEN, PETER G.

Examiner

Gwendolyn Baxter

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 25 is/are allowed.
- 6) ☒ Claim(s) 1-18 and 20-24 is/are rejected.
- 7) ☒ Claim(s) 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 3632

This is the second office action for serial number 09/700,179, Tool-free Hanging Device, filed on June 3, 2004. This application is a continuation of application serial number 10/268,189, filed October 10 2002, now patent 6,641,107.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the square, rectangular, triangular or elliptical must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 and 7-13 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 1,445,372 to Wagner, hereinafter Wagner. The present invention reads on Wagner as follows: Wagner discloses a device comprising a push plate (8), a lance (5), and a hanger (4,7). The push plate (8) has a front and back push plate surface. The front push plate surface and the back push plate surface oppose the front push plate surface. The lance (5) projects

Art Unit: 3632

from the back push plate surface of the push plate. The lance has a barb (6) adjacent a distal end. The barb includes a barb surface (not numbered). The barb surface is substantially parallel to the back push plate surface. The hanger extends from the push plate and projecting from the front push plate surface of the push plate. The hanger is capable of receiving the object and bias the barb surface against the wall when the object is received (lines 30+). At least one of the push plate and the hanger is capable of receiving a rotational force that positions the hanger to receive the object. The push plate is circular. The hanger is a hook hanger. The device is constructed of metal (lines 85+). The front plate surface is configured to receive the pushing force from a finger. The lance is substantially perpendicular to the back push plate surface and the hanging device is inserted into the wall without using a mechanical tool. At least a portion of the hanger and the lance are substantially perpendicular to each other.

Claims 1, 5 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,219,302 to Smith, hereinafter Smith. The present invention reads on Smith as follows: Smith discloses a device comprising a push plate (22), a lance (12, 15), and a hanger (14Y). The push plate has a front and back push plate surface. The front push plate surface and the back push plate surface oppose the front push plate surface. The lance projects from the back push plate surface of the push plate. The lance has a barb (17) adjacent a distal end. The barb includes a barb surface (not numbered). The barb surface is substantially parallel to the back push plate surface. The hanger extends from the push plate and projecting from the front push plate surface of the push plate. The hanger is capable of receiving the object and bias the barb surface against the wall when the object is received. At least one of the push

Art Unit: 3632

plate and the hanger is capable of receiving a rotational force that positions the hanger to receive the object. The hanger is engageable with a wire (col. 1, lines 70+) and the device is of a unitary construction.

Claims 14-18 and 20-24 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,619,430 to Hogg, hereinafter Hogg. The present invention reads on Hogg as follows: Hogg discloses a hanging device having a push plate (10), a lance (91, 20) projecting from the push plate. The lance has a barb (23) adjacent a distal end wherein the barb includes a barb surface and a hanger (12-16) extending and projecting from the push plate. The lance of the hanging device is inserted into the wall by pressing on the push plate. The hanging device is rotated until the hanger is positioned to receive an object (29). The object is deposited on the hanger and is biased the barb surface against the wall such that the hanging device hangs on the object on the wall. The insertion is done by a user's fingers without a mechanical tool. The hanger or the push plate is rotationally forced at least about ninety degrees during the rotating step. The push plate abuts the wall and the barb surface is biased against the wall during the hanging step.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3632

Claims 1 and 4 are rejected under 35 U.S.C. 103(a) as being obvious over Wagner in view of U.S. Patent No. 406,623 to Brinkerhoff. Wagner teaches a device comprising the limitations of the base claim, excluding a salient.

Brinkerhoff teaches a device having a push plate (), lance (), hanger (), and salient (). The salient is capable of receiving a rotational force. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the push plate as taught by Wagner to have incorporated the salient as taught by Brinkerhoff for the purpose of securely locking the suspending cord of picture or object to be hung on the device.

Allowable Subject Matter

Claims 19 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: the prior art fails to teach the salient structure receiving a rotational force.

Claim 25 is allowed.

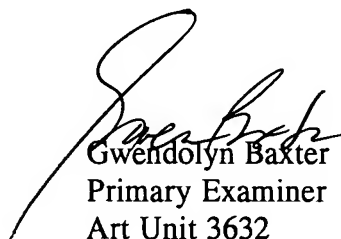
The following is a statement of reasons for the indication of allowable subject matter: the prior art fails to teach the combination of two hanging devices having a push plate, lance having a barb and hanger and a plate having a plate hanger.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gwendolyn Baxter whose telephone number is 703-308-0702. The examiner can normally be reached on Monday-Wednesday, 8:00am -5:30pm.

Art Unit: 3632

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A Braun can be reached on 703-308-2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Gwendolyn Baxter
Primary Examiner
Art Unit 3632

August 2, 2004